

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Summary of Telephone Interview

Upon receipt of the Advisory Action dated October 9, 2009, Applicants' representative contacted the Examiner by telephone to discuss the above-identified application. Specifically, Applicants' representative noted that the Advisory Action did not contain any details regarding why Applicants' arguments presented in the Amendment After Final Rejection were not persuasive. The Examiner indicated that the rejections were maintained for the reasons of record. However, Applicants respectfully note that the previous response amended the claims to exclude vegetable butter as the raw material fat. Applicants respectfully request that the Examiner address this amendment, as well as the comments relating thereto, as presented in the previous response.

Additionally, in order to expedite prosecution, Applicants have further amended the claims, as discussed below.

Claim Amendments

Claim 16 has been amended to incorporate the subject matter of claims 17 and 20, as a result of which claims 17, 20 and 22 have been cancelled, without prejudice or disclaimer. Additionally, claims 23-26 have been amended to depend only from claim 16.

Patentability Arguments

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Rejection Under 35 U.S.C. § 103(a)

Claims 16, 17, 20, 22-30 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Deffense and Tirtiaux taken together.

This rejection is respectfully traversed for the following reasons.

Initially, the Examiner is respectfully requested to reconsider the arguments set forth in the Amendment After Final Rejection.

Further, as described in the second paragraph of Applicants' specification, a dry fractionation has been seldom used for processed fats in which molecular species have been increased after treatment, such as hydrogenation and interesterification. This is in contrast to palm oil.

Contrary to the knowledge in the art at the time of the present invention, Applicants' invention allows a dry fractionation, which does not use organic solvents, of such processed fats for which a solvent fractionation has traditionally been used. The present invention is not obvious based on a combination of cited reference used for the dry fractionation of **palm oil**.

Accordingly, it is clear that the subject matter of Applicants' claims 16, 23-30 and 32 is clearly patentable over the cited references. It is respectfully requested that the above-rejection be withdrawn.

Conclusion

Therefore, in view of the foregoing amendments and remarks, as well as the remarks submitted with the Amendment After Final Rejection filed October 2, 2009, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Yuji KUWABARA et al.

/Amy E. Schmid/
By 2009.11.02 15:22:15 -05'00'

Amy E. Schmid
Registration No. 55,965
Attorney for Applicants

AES/emj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 2, 2009